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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,046	04/12/2005	Koen De Vroe	Q87385	2634

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EXAMINER

WHITE, RODNEY BARNETT

ART UNIT	PAPER NUMBER
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3636

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/531,046	Applicant(s) DE VROE, KOEN	
	Examiner Rodney B. White	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's arguments filed 01/04/2007 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 16-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claims 16-17, 20-21, 24-25, and 28-29, and the dependent claims, the language "essentially fixed" is still unclear and confusing language. It appears that the language, all instances of such language, "essentially fixed should be replaced with - - movable - - because from Applicant's "Remarks" the extending means does in fact move and it moves linearly. In claim 16, line 12 the phrase "the modifier "essentially fixed" defines that the modified extending means is" should be replaced with - -the moveable, linearly extending means moves in only minor sliding and pivoting movements - -. On line 13, the word "capable", as suggested in the above recommended claim language, should not be used. When the word "capable" is used, the claim reads as if the invention can or may or may not function as defined and it

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reads as if Applicant is unsure of his invention. The aforementioned recommendations should be implemented in claims 16-17, 20-21, 24-25, and 28-29 where appropriate.

In claim 16, On line 6, "the other end" lacks antecedent basis. On line 12, "the other profile" lacks antecedent basis. On line 13, "the at least one hinging sliding profile element" lacks antecedent basis. On line 15, why is the word "corresponding" in parentheses? Also, "said (corresponding) other profile (A)" lacks antecedent basis. These same problem exist in independent claims 24 and 29 and the dependent claims 17-23. Applicant needs to read back through the claims and correct all antecedent basis problems as well as all of the unclear can confusing language and make sure that all of the structures are defined properly and clearly.

The aforementioned problems render the claims vague and Indefinite.

Clarification and/or correction is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 16-30, so far as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Renault (U.S. Patent No. 6,526,643 B1).

Renault teaches the structure as claimed (See Figures 1-2 and specification, specifically at column 2, lines 52-55).

Claims 16-30, so far as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Satoh (U.S. Patent No. 6,652,033 B2).

Satoh teaches the structure as claimed (See Figures 1-8 and specification, specifically at column 3, lines 34-42).

Claims 16-30, so far as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Hagiike (U.S. Patent No. 6,663,184 B2).

Hagiike teaches the structure as claimed (See Figures 1-7 and specification, specifically at column 3, lines 31-40).

Remarks

Applicant argues that:

“none of the cited references has one hinging set of telescopic sliding profile elements on the extension (footrest) part and one further ("essentially" fixed) set of hinging telescopic sliding profile elements on the fixed (chair) part, as required by Applicant's claims 16-30.”

However, in the specified sections of the specifications of the above patents, they clearly teach “one hinging set of telescopic sliding profile elements on the extension (footrest) part and one further ("essentially" fixed) set of hinging telescopic sliding profile elements on the fixed (chair) part”.

In the Renault patent, column2, lines 52-55, the specification discloses “The footrest 22 is displaceable between a position retracted within the leg-rest 20 and an extended position in which it prolongs the latter and emerges virtually completely.” Not only does that part of the text describe “telescopic” movement of the “footrest 22” within “leg-rest 20”, but it is supported by Fig. 1.

In Satoh, column 3, lines 34-42, the specification discloses “An operating rod 20 of a footrest actuator 19 (actuator) which is mounted on the leg rest 13 is connected to the footrest 14, wherein, by the expansion and contraction of the operating rod 20, the footrest 14 can be extended and retracted between a retracted position (refer to the chain double-dashed line B in FIG. 1), at which the foot rest 14 is housed in the leg rest 13, and an Tended position (refer to the chain double-dashed line C in FIG. 1), at which the foot rest 14 is fully extended.” That part of the specification clearly describes “telescopic” movement of the “footrest 14” within “leg rest 13”.

In the Hagiike patent, column 3, lines 31-40 the specification discloses "An operating rod 20 of a footrest actuator 19 (actuator) which is mounted on the leg rest 13 is connected to the footrest 14, wherein, by the expansion and contraction of the operating rod 20, the footrest 14 can be ended and retracted between a retracted position (refer to the chain double-dashed line B in FIG. 1), at which the foot rest 14 is housed in the leg rest 13, and an extended position (refer to the chain double-dashed line C in FIG. 1), at which the foot rest 14 is fully extended." Again, that part of the specification clearly describes "telescopic" movement of the "footrest 14" within "leg rest 13".

It appears the above patents clearly teach what appears to be defined in claims 16-30. Is the true meaning of the limitations being lost in the odd language of "essentially fixed"? In summation, the Renault, Satoh, and Hagiike clearly teach "telescopic sliding profile elements". If applicant is welcome to an interview if he feels it will clarify the awkward claim language.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

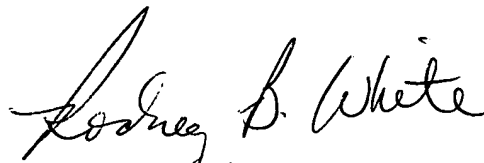
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Rodney B. White,
Patent Examiner
Art Unit 3636
March 22, 2007

A handwritten signature in cursive script that reads "Rodney B. White". The signature is written in black ink and is positioned above a printed nameplate.

RODNEY B. WHITE
PRIMARY EXAMINER